

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VERTICAL BRIDGE REIT, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 23-1017
)	
EVEREST INFRASTRUCTURE PARTNERS,)	
INC. and EIP HOLDINGS II, LLC,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 10th day of January, 2024, upon consideration of the Motion to Dismiss the Complaint (Docket No. 20) filed in the above-referenced matter by Defendants Everest Infrastructure Partners, Inc. and EIP Holdings II, LLC, the briefs filed by Defendants in support and by Plaintiff Vertical Bridge REIT, LLC in opposition, and for the reasons the Court stated on the record at the oral argument on Defendants' motion held on January 9, 2024 (Docket No. 35),

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Docket No. 20) is GRANTED. Accordingly, Plaintiff's Complaint is dismissed without prejudice, in its entirety, for failure to prosecute in the name of the real parties in interest pursuant to Rule 17 of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Plaintiff shall file an amended complaint by **February 7, 2024**, and Defendants' response thereto is due by **March 6, 2024**. If Plaintiff fails to file an amended complaint by that date, the Complaint will be dismissed with prejudice.

/s/ W. Scott Hardy
W. Scott Hardy
United States District Judge

cc/ecf: All Counsel of Record